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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/352,612	07/13/99	VAN VLIET	A 102222.01

EXAMINER

IM62/0604

OLIFF AND BERRIDGE PLC
P O BOX 19928
ALEXANDRIA VA 22320

ART UNIT KENNY, PAPER NUMBER

5

DATE MAILED:

06/04/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	09/352,612	VAN VLIET ET AL.	
	Examiner	Art Unit	
	Todd J. Kilkenny	1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 March 2001* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 9-12* is/are pending in the application.

4a) Of the above claim(s) *9-12* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. *09/202,069* .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)
16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
18) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
19) ☐ Notice of Informal Patent Application (PTO-152)
20) ☐ Other: .

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I in Paper No. 4 is acknowledged. The traversal is on the ground(s) that upon allowance of Group I, Group II should be rejoined. This is not found persuasive because Group I is not in condition for allowance.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang in view of Kobiella and Romanek. The rejection as stated in paragraph 9 of the Office Action mailed December 22, 2000 is maintained and hereby incorporated by reference.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yang in view of Kobiella and Romanek and in further in view of Foglia et al. The rejection as stated in paragraph 10 of the Office Action mailed December 22, 2000 is maintained and hereby incorporated by reference.

Response to Arguments

5. Applicant's arguments filed March 20, 2001 have been fully considered but they are not persuasive.

6. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the maximum area of weld) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant's initial argument that the maximum area of weld in the present invention equals the width of the strip squared and therefore one of ordinary skill in the art would not be motivated to combine the teachings of Kobiella or Romanek with Yang as both Kobiella and Romanek teach the area of overlap to be at the will of the user is not persuasive because the argument is not commensurate in scope with the claimed invention.

7. In response to applicant's argument that the teachings of Yang in view of Kobiella and Romanek fail to solve the problem of early rupture of a grid and that one skilled in the art who is confronted with a rupture problem of a grid like Yang is not motivated to have combined Yang with either Kobiella or Romanek as neither Kobiella nor Romanek provide teachings underlying reasons for early rupture is not persuasive because this argument is not commensurate in scope with claimed invention.

8. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation for one of ordinary skill in the art at the time of the invention to combine the teaching of bonding at selected regions as taught by Romanek and Kobiella to the bonded overlapped grid strips of Yang is again recognized as the ability to produce bonded regions in the grid of Yang that are more flexible and retain more tensile strength as taught by Romanek and Kobiella, respectively.

9. Applicant's argument against the 35 U.S.C 103(a) rejection of claim 6 that Foglia fails to remedy any deficiencies of Yang, Kobiella and Romanek is not persuasive. Foglia teaches bonding thermoplastic structures including films, sheets, strips, or the like by means of a laser and that using a laser enables a welding area or spot to be formed of various sizes. This teaching does remedy the fact that although Yang in view of Kobiella and Romanek do not teach away from the use of a laser, they do not positively recite the use of a laser to bond as is taught by Foglia.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Todd J. Kilkenny** whose telephone number is **(703) 305-6386**. The examiner can normally be reached on Mon - Fri (9 - 5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball can be reached on (703) 308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Todd J. Kilkenny
May 30, 2001

Todd J. Kilkenny

Michael W. Ball
Supervisory Patent Examiner
Technology Center 1700